

OKLAHOMA WORKERS' COMPENSATION COMMISSION
REGULAR MEETING MINUTES
APRIL 15, 2021, 1:30 P.M.

STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE

Notice of this Regular Business Meeting was filed with the Secretary of State's office on Tuesday, December 29, 2020, at 3:56 p.m. in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

MINUTES OF THE APRIL 15, 2021 REGULAR BUSINESS MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2nd floor, Oklahoma City, Oklahoma, on April 15, 2021.

Members present: Chairman Mark Liotta, Commissioner Megan Tilly (via Zoom teleconference), and Commissioner Jordan Russell

Others Present: Lauren Hammonds Johnson, WCC; Hopper Smith, WCC; Alexander Watkins, WCC; James Lawson, WCC; Ian Steedman, WCC; Collin Fowler, WCC; Andrea Delling, WCC; Tranna Fischer, WCC; Dr. Jay Cannon, WCC; ALJ Shane Curtin, WCC; Norma McRae, WCC; Eric Russell, WCC; Mark Eberhard, Cynergy (via Zoom teleconference); John Alig, Cynergy (via Zoom teleconference).

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

1. Approval of Minutes

The minutes of the March 18, 2021, Regular Meeting of the Commission were considered for approval.

Motion: Commissioner Tilly moved to approve the March 18, 2021, Regular Meeting of the Commission.

Second: Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

2. Discussion and Possible Action of Consent Agenda for Travel Vouchers Currently Outstanding

Title 85A O.S. § 23 states, [a]ny Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission.” In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

All travel vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today’s meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

Motion: Commissioner Russell moved to approve the travel vouchers.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

3. Request to Reduce Security Deposit for Hudiburg Auto Group, Own Risk Permit #17922

Hudiburg Auto Group (“the Company”), own risk permit #17922, was a self-insured employer in the Own Risk program until April 1, 2020. They have petitioned the Commission to reduce the Company’s security deposit on file. The Commission held a \$250,000 Letter of Credit, issued by FNB Community Bank as security deposit. They requested a reduction of their security deposit to \$100,000. The company has no open claims.

The Company complied with Commission Rule 810:25-9-19.

James Lawson was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to reduce the security deposit of Hudiburg Auto Group to \$100,000 as recommended.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

4. Discussion and Possible Action on Approval of Application for Appointment as Certified Workers' Compensation Mediator

Title 85A O.S. § 110 requires the Commission to be responsible for certifying individuals who are eligible and qualified to serve as mediators. An individual may be certified as a mediator if the applicant meets the qualifications as required by the Commission in Section 110.

The Commission considered the certified mediator application presented at the meeting, which was vetted by the Legal Operations Director and recommended for approval.

Ian Steedman was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to approve the certified mediator application.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

5. Discussion and Possible Action on proposed MITF Assessment Rate – effective July 1, 2020 through June 30, 2021 –pursuant to 85A O.S. § 31.

The Multiple Injury Trust Fund (MITF) proposed an assessment rate in the amount of seven percent (7%) should be charged in accordance with 85A O.S. § 31 for the four-quarter period of July 1, 2020 through June 30, 2021.

Motion: Commissioner Tilly moved to continue this matter to the next business meeting.

Second: Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

6. Discussion and Possible Action on Lease Agreement for New WCC Tulsa Office Space

House Bill 4139 (2020) directed OMES to relocate state agencies currently housed within the Kerr Edmondson Building in Tulsa, Oklahoma, including the Workers' Compensation Commission, to a property owned by the Commissioners of the Land Office ("CLO"). CLO and OMES have determined the WCC's Tulsa office will be relocated at 201 W. 5th Street in Tulsa, Oklahoma. The Commission discussed and considered action on a proposed Lease Agreement with CLO and OMES to occupy this office space.

Lauren Hammonds Johnson was recognized, presented and answered questions of the Commission.

Motion: Commissioner Russell moved to table lease pending counter negotiations.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

7. Discussion and Possible Action on CEC Sublease for New Tulsa Office Space

Pursuant to the agency relocation plans stemming from HB 4139 (2020), the Oklahoma Workers' Compensation Court of Existing Claims' ("CEC") Tulsa office will relocate to office space to be leased by the Commission. The Commission discussed and considered action on a proposed Sublease Agreement with the CEC to occupy this space.

Motion: Commissioner Russell moved to continue this matter to the next business meeting.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

8. Discussion and Possible Action on the Issuance of a Requisition against the Lease Agreement between the Commission and the Office of Management and Enterprise Services (OMES) for Fiscal Year 2022

The Commission discussed and considered the issuance of requisition against the existing Lease Agreement between the Commission and the Office of Management and Enterprise Services (OMES) for the 3rd Floor office space in the Denver Davison Building for FY 2022. The total annual cost of the lease is \$84,948.00. Of note, OMES confirmed the lease may be cancelled with a 30-day cancellation notice.

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Tilly moved to approve the requisition.

Second: Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

9. Discussion and Possible Action on the Issuance of a Requisition against the Lease Agreement between the Commission and the Commissioners of the Land Office for Fiscal Year 2022

The Commission discussed and considered the issuance of requisition to cover Year 1 of a 10-year lease between the Commission and the Commissioners of the Land Office for the Tulsa office space in the 201 Building for FY 2022. The annual total cost of the lease is \$141,009.84 (net amount to be determined based upon individual, joint, and shared lease space occupied by the Oklahoma Workers’ Compensation Court of Existing Claims and the Commission).

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to continue this matter to the next business meeting.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

10. Discussion and Possible Action on the Issuance of Requisitions against the Existing Shared Services Agreements between the Commission and the Office of Management Enterprise Services (OMES) for Fiscal Year 2022

The Commission discussed and considered the issuance of five (5) requisitions against the existing Shared Services Agreement with OMES for Risk Premiums and IT, HR, Finance, and Comprehensive Risk Management services for FY 2022. The total cost of the Shared Services Agreements are \$559,682.30, as detailed in the schedule below:

OMES/SHARED SERVICES AGREEMENTS	SERVICES	FY2022
Risk Management	Worker Comp, Property, Employee/Commissioners, Tort and Vehicle	\$ 16,299.50
Information Services Division (ISD)	IT Services	\$ 256,062.80
HR Services	Payroll and Benefits Processing	\$ 24,600.00
ABS Financial Services	Financial Services	\$ 12,720.00
Comprehensive Risk Management and Insurance	Management and Insurance Consulting	\$ 250,000.00
TOTAL		\$ 559,682.30

The Agreements were signed 9/20/16 and continue until such time as modified or terminated.

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to approve the requisitions with OMES.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

11. Discussion and Possible Action on the Issuance of a Requisition against the Existing Contract between the Commission and the Self-insurance Guaranty Fund Board for Fiscal Year 2021

Under 85A O.S. § 99 the Commission may contract with an appropriate state governmental entity, as approved by the Commission, to process, investigate, and pay valid workers' compensation claims for those self-insured companies that have become financially impaired and have monies from released securities contained in Fund 701 for that purpose.

The Commission will discuss and consider the issuance of a requisition with the Self-insurance Guaranty Fund Board in the amount of \$30,880.00 for workers' compensation claims administration services dealing with the securities posted by self-insurers and released for the payments of the self-insurer's workers' compensation obligations out of Fund 701.

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to continue the matter to the next business meeting.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

12. Discussion and Possible Action on the Issuance of a Requisition against the Sole Source Contract between the Commission and Insurance Services Office (ISO) for FY 2022

The Commission discussed and considered the issuance of a requisition against the sole source contract with ISO for EDI maintenance services through VERISK for FY 2022. The cost of the contract is \$68,850.00.

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to approve the requisition against the sole source contract between the Commission and ISO.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

13. Discussion and Possible Action on the Issuance of a Requisition against the Existing State Contract between the Commission and West Publishing Corporation for FY 2022

The Commission discussed and considered the issuance of a requisition against the existing state contract between the Commission and West Publishing Corporation to cover online subscriptions to WestLaw and CLEAR services for FY 2022. The annual cost of the contract is \$19,314.00.

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to approve the requisition against the existing state contract between the Commission and West Publishing Corporation.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

14. Discussion and Possible Action on the Issuance of a Requisition against the Memorandum of Understanding (MOU) between the Commission and Self-Insurance Guaranty Fund (SIGF) Board for Fiscal Year 2022

The MOU establishes the financial services performed by the Commission's Chief Financial Officer for the SIGF Board and the Board's payment for the Commission's costs in providing such services. The Commission discussed and considered the issuance of a requisition in the amount of \$5,000.00 to provide financial services to the SIGF Board during FY 2022.

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to approve the requisition for the Self-Insurance Guaranty Fund Board.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

15. Discussion and Possible Action on of Issuance of a Requisition against the Existing 20i Contract between the Commission and the Office of the Oklahoma Attorney General for Fiscal Year 2021

The Commission discussed and considered issuance of a requisition against the existing 20i contract engaging the legal services of the Office of the Oklahoma Attorney General for FY 2022. The cost of the contract is \$52,749.96.

Motion: Commissioner Tilly moved to continue this matter to the next business meeting.

Second: Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

16. Discussion and Possible Action on the Issuance of a Requisition against the Existing Statement of Work (SOW) between the Commission and the Office of Management and Enterprise Services/ISD for Fiscal Year 2021

The Commission discussed and considered issuance of a requisition against the Existing Statement of Work (SOW) between the Commission and the Office of Management and Enterprise Services/ISD to continue IT project oversight during the development, design, and deployment of the CaseOK System by the IT contractor, Objectstream, for FY 2022. The annual cost of the SOW is \$7,200.00.

Motion: Commissioner Tilly moved to continue this matter to the next business meeting.

Second: Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

17. Discussion and Possible Action on the Issuance of a Requisition against the Existing State Contract between the Commission and Standley Systems for Fiscal Year 2021

The Commission discussed and considered the issuance of requisitions against the existing state contract for lease, toner, and maintenance of nine (9) copiers for FY 2022. The total annual cost of the nine contracts is \$28,240.00, as detailed in the following schedule:

STANDLEY SYSTEMS	FY2022
Records B/W Copier - Basement	\$ 5,225.00
Records Public B/W Coper - Basement	\$ 2,655.00
Compliance Color Copier – 2 nd Floor	\$ 1,900.00
Docketing B/W Copier – 2 nd Floor	\$ 5,230.00
Administration Color Copier – 3 rd Floor	\$ 6,705.00
CFO B/W Copier	\$ 775.00
Library B/W Copier – 2 nd Floor	\$ 2,000.00
Permitting B/W Copier – 2 nd Floor	\$ 2,600.00
Tulsa Main B/W Copier	\$ 1,150.00
TOTAL	\$ 28,240.00

Motion: Commissioner Tilly moved to continue this matter to the next business meeting.

Second: Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

18. Discussion and Possible Action on the Issuance of a Requisition against the Existing 5-year Contract between the Commission and R&R Express for Courier Services between the Oklahoma City and Tulsa Offices for Fiscal Year 2022

The Commission discussed and considered the issuance of a requisition covering Year 3 of a 5-year contract between the Commission and R&R Express to provide courier services between the Oklahoma City and Tulsa offices for FY22. The total cost of the contract is \$17,370.00.

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to approve the issuance of the requisition between the Commission and R&R Express Courier Services.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

19. Discussion and Possible Action on the Issuance of a Requisition against the Sole Source Contract between the Commission and Applied Computer Systems, Inc. for FY 2022

The Commission discussed and considered the issuance of a requisition against the sole source contract with Applied Computer Systems, Inc. for maintenance of the WCIS Data System for FY 2022. The requisition is subject to cancellation after start-up and successful operation of the CaseOK Data System. The annual cost of the service is \$91,851.60.

Eric Russell was recognized, presented, and answered questions of the Commission.

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to approve the requisition against sole source contract between the Commission and Applied Computer Systems for FY 2022, authorized in the amount of \$91,851.60.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

20. Discussion and Possible Action on the Issuance of a Requisition against the Existing State Contract between the Commission and Quadiant Leasing (formerly MailFinance) for Fiscal Year 2022

The Commission discussed and considered the issuance of three (3) requisitions against the existing state contract with Quadiant Leasing for lease and maintenance of the mail folding/inserter and postage meter equipment in the Oklahoma City and Tulsa offices for FY 2022. The cost of each requisition is detailed below and the total cost of the three (3) leases is \$9,077.28.

QUADIANT	LEASED EQUIPMENT	FY2022
Tulsa	Posage Meter	\$ 1,352.88
Oklahoma City	Posage Meter	\$ 4,236.60
Oklahoma City	Folder/Mail Inserter	\$ 3,487.80
TOTAL		\$ 9,077.28

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to approve the requisition against the existing state contract between the Commission and Quadiant Leasing Inc.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

21. Discussion and Possible Action on the Issuance of a Requisition against the Existing State Contract between the Commission and Bank of America for Fiscal Year 2022

The Commission discussed and considered the issuance of a requisition against the existing state contract with Bank of America to cover credit card and applicable service fees for FY 2022. The cost of the contract is \$19,330.00.

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to approve the issuance of requisition against the existing state contract between the Commission and Bank of America.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

22. Discussion and Possible Action on of Issuing Authority Orders for P-Card and Postal Services Purchases for Fiscal Year 2022

The Commission discussed and considered issuance of three (3) Authority Orders to cover general purchases for FY 2022, as detailed in the following schedule:

AUTHORITY ORDERS	PURPOSE	FY2022
P-CARD	Office Supplies and General Purchases	\$ 60,000.00
P-CARD IT	IT Purchases	\$ 15,000.00
United States Postal Service	Postage	\$ 50,000.00
TOTAL		\$ 125,000.00

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to issue authority orders for P-Card and postal services for FY 2022.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

23. Discussion and Possible Action on the Issuance of a Requisition against the Existing 5-Year Contract Between the Commission and Lowery & Associates for FY 2022

The Commission discussed and considered the issuance of a requisition to cover Year 2 of a 5-year contract between the Commission and Lowery & Associates for court reporting services in the Oklahoma City and Tulsa Offices during FY 2022. The cost of the contract is \$61,000.00.

Andrea Delling was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to approve the requisition against the 5-year contract between the Commission and Lowery and Associates for FY 2022.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

24. Discussion and Possible Action on 95% Plans, Specifications, and Cost Estimate from Cyntergy regarding the Denver N. Davison Building Renovation

Cyntergy has submitted a 95% design and cost proposal for the partial first and second floor office renovations in the Denver N. Davison Building. The Commission discussed and considered action on the proposal.

Chairman Liotta presented and answered questions of the Commission.

Andrea Delling was recognized, presented, and answered questions of the Commission.

Tranna Fischer was recognized, presented, and answered questions of the Commission.

Motion: Commissioner Russell moved to approve the 95% plan and cost estimate as proposed.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

25. Discussion and Possible Action Regarding Operation of the Workers' Compensation Commission and Agency Concerns Related to COVID-19, including the Agency's Mask Policy and Other Health and Safety Procedures

Chairman Liotta discussed with the Commissioners and the Division Directors about the effect of modifying or lifting certain temporary COVID-19 health and safety procedures at the WCC.

Motion: Commissioner Tilly moved to end mask mandate for the WCC building effective April 30 and to discontinue additional COVID-19 related cleaning of the courtrooms.

Second: Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

26. New Business

“[A]ny matter not known about or which could not have been reasonably foreseen prior to the time of the posting.” 25 O.S. § 311.

There was no new business.

27. Announcements

The Commission's next regular appeals meeting is on Friday, April 16, 2021. The Commission's next dual SIGFB meeting is on Wednesday, April 21, 2021. The Commission's next dual advisory meeting is on Thursday May 6, 2021. The Commission's next regular business meeting is on Thursday, May 20, 2021.

ADJOURNMENT.....Chairman Mark Liotta

Motion: Commissioner Russell moved to adjourn.

Second: Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Tilly, and Commissioner Russell.

The motion carried.

The meeting adjourned at 3:05 p.m.